

Planning Committee

30 May 2019

Reference:
APP/19/00372

Area Team:
**Development
Management Team**

Case Officer:
Miss A McDougall

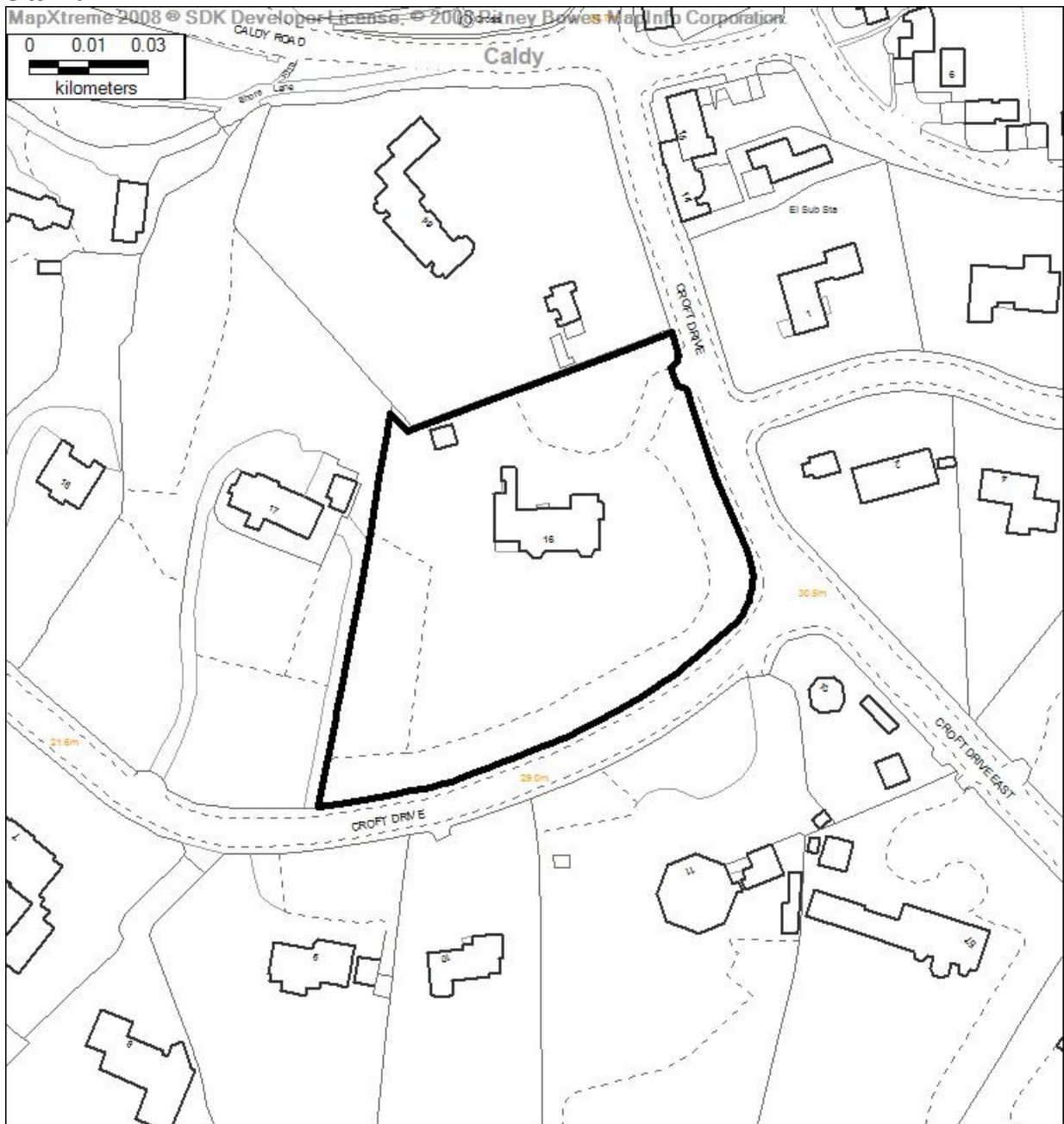
Ward:
**West Kirby and
Thurstaston**

Location: Roselands, 16 CROFT DRIVE, CALDY, CH48 2JW
Proposal: Proposed development of 1 new build dwelling within the curtilage of 'Roselands', 16 Croft Drive - Amended Proposal

Applicant: Mr & Mrs Garner-Jones
Agent : Condy & Lofthouse Ltd

Qualifying Petition: Yes, Number of Signatures: 33

Site Plan:



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Development Plan designation:

Conservation Area (for illustrative purposes)
Density and Design Guidelines Area
Primarily Residential Area

Planning History:

Location: Roselands, 16 Croft Drive, Caldy, Wirral, CH48 2JW
Application Type: Full Planning Permission
Proposal: Demolition of existing garage and outbuildings and erection of new garage and outbuildings
Application No: APP/07/06034
Decision Date: 14/08/2007
Decision Type: Approve

Location: Roselands, 16 Croft Drive, Caldy, Wirral, CH48 2JW
Application Type: Conservation Area Consent
Proposal: Demolition of existing garage and outbuildings
Application No: CON/07/06035
Decision Date: 14/08/2007
Decision Type: Approve

Summary Of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

- 1.1** Councillor Green has requested the application be taken out of delegated powers for the following reasons;
1. Scheme is totally without merit, particularly as site is one of the most prominent in the very heart of the village and Conservation Area.
 2. The proposed new houses are not a back-garden development, concealed from the road, but rather a front garden development on a corner plot.
 3. The application has generated a lot of public interest, all hostile, and a petition is being drawn up.
 4. The proposal runs counter to WBC's policies on development in the Conservation Area, as cited in the local plan and also reinforced by a recent planning appeal judgment relating to a nearby (less prominent) site where the Planning Inspector upheld amongst other things the Council's policy on housing density in the Conservation Area (the scheme is within the 'One Acre' zone).

2.0 SUMMARY OF REPRESENTATIONSREPRESENTATIONS

The Council has received 26 letters of objection on the following grounds;

1. density
2. loss of trees
3. impact onto character of the conservation area
4. impact onto the setting of Roselands
5. potential highway safety grounds of additional access points

CONSULTATIONS

MEAS - No objection subject to conditions
Highways - No objection subject to informative
Environmental Health - No objections
Caldy Society - Objections raised regarding siting, design, impact onto conservation area and contrary to density guidelines

3.1 Reason for referral to Planning Committee

- 3.1.1** Councillor Green has requested that the application be taken out of delegation. A Qualifying

petition of objection and 26 separate letters of objection have been received.

3.2 Site and Surroundings

3.2.1 The application site currently consists of a large detached Edwardian house with vehicle access to the north east, the access leads to the rear elevation of the dwelling.

3.2.2 The main aspect of the house and front elevation faces south across the landscaped garden, the house is built higher than the garden level which gives an elevated aspect when look back at the front elevation from the gardens.

3.2.3 The plot is located on a corner with the house, typical of larger Caldy properties set back from both street views and screened from the road by mature trees with a wooded appearance from the boundaries. There are only glimpses of the house from the street scene however from within the site the scale, setting and detail of the house is impressive, whilst the house itself is not listed it is deemed as a Category A non-heritage asset as part of the Caldy Village Conservation Area Appraisal.

3.2.4 The property is identified as a Category A within the CVCAA - Buildings that are critical to the character of the area: typically these may be landmark buildings and/or historic buildings with most of their original character retained.

3.3 Proposed Development

3.3.1 The proposal is for the erection of one dwelling to the west side of Roselands. The application has been amended, the initial scheme was for two dwellings on the site.

3.4 Development Plan

3.4.1 CH2 Development Affecting Conservation Areas Policy

Development located within, adjacent to, or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

(i) the distinctive characteristics of the Area, including important views into and out of the designated Area;

(ii) the general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and

(iii) the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.

When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.

3.4.2 CH11 Caldy Conservation Area Policy

In relation to Caldy Conservation Area the principal planning objectives for the area will be to:

(i) retain the character of a low density, maturely landscaped suburb with substantial houses in large grounds;

(ii) retain the unifying features of design, layout and building materials within the old village core;

(iii) preserve the unity of strongly enclosed boundary treatment incorporating high walls, dense landscaping or dark-stained, close-boarded, timber fences in the area outside the old village core; and

(iv) preserve, wherever practicable, views of the Dee Estuary and of the North Wales coast beyond.

Only primarily residential uses will be permitted within this Area.

3.4.3

HS4 Criteria for New Housing Development Policy

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

3.4.4

HS5 Density and Design Guidelines Policy

In the following existing residential areas as outlined on the Proposals Map, in addition to the criteria in Policy HS4, proposals for new residential development will be subject to controls over density and layout as follows:

7. Caldry

Zone 1

Maximum density of 2.5 dwellings per hectare.

Zone 2

Higher densities may be permitted subject to the development preserving or enhancing the Conservation Area.

3.4.5

GR7 Trees and New Development Policy

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation and will require that buildings, structures and hard surface areas are sited in order to:

- (i) substantially preserve the wooded character of the site or of the surrounding area;
- (ii) provide for the protection of trees of greatest visual or wildlife value and other vigorous healthy trees;
- (iii) ensure that trees to be retained have adequate space in order to prevent damage to their canopy or root structures during construction and to allow for the future growth of canopy and

roots to normal mature sizes;

(iv) prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms, secure an open unshaded garden area, or to remove perceived dangers to life and property; and

(v) protect trees on adjacent land which may be affected by the development proposed;

Applications should include detailed plans showing the location of individual trees to be affected by the development proposed, together with information related to trunk girth, species mix, height, canopy spread and general health and condition. Trees to be felled should be clearly indicated.

Where development involving the loss of trees is to be permitted, the Local Planning Authority will, as a condition of planning consent, require replacement trees to be planted elsewhere on the site where this is required in order to protect or preserve local amenity.

Planning conditions will include provision for the future maintenance of newly planted stock, including the replacement of failures, until the newly planted stock is established and capable of normal unaided growth; and during the construction period, measures related to the protection of trees to be retained.

Work to trees, including felling, removal, thinning and crown lifting should be completed prior to construction commencing in accordance with a scheme of work agreed in advance with the Local Planning Authority.

3.5 Other Material Planning Considerations

3.5.1 Caldy Conservation Area Appraisal

Caldy was designated as a Conservation Area (CA) in 1974. The focus of the CA is the grouping of older buildings around the church and manor. From here it expands out in all directions to include the majority of the early C20 planned estate, extending to Telegraph Road in the east and the line of the Wirral Way in the west. The CA was extended by the inclusion of the farm north of Caldys Road at its junction with Telegraph Road in the 1980s.

Part of the Gleneagles Park development to the south was also included but was taken out of the Conservation Area subsequently.

Views *within* the Conservation Area are extremely limited because of the density of the tree cover. They are limited to views along the main thoroughfare, Caldys Road and along the estate roads. Travelling through the centre of the village there is a series of spots where medium length views open up and are then closed off by the quite sharp bends in the road. This adds strong visual character but, due to the volume of traffic using the road it can be quite a hazardous experience for pedestrians.

This strong sense of enclosure which the trees and fences give to the majority of the plots means that views of individual houses are in many cases very limited, or indeed impossible from the public road.

Applications for planning permission for new development or significant extensions to existing buildings within the conservation area must demonstrate, where appropriate, that key views or the setting of the conservation area are not adversely affected. There should be a strong presumption against new buildings that are unduly prominent.

Despite land value pressures the density should not be allowed to increase. Existing rules should apply to the vacant plots yet to be developed and to any redevelopment proposals. The removal of modest scale houses on large plots and replacement with much larger houses, or by a number of properties should be prohibited

New buildings should respect the footprint sizes of existing neighbouring buildings and their relationships with each other (spacing), the road and their site boundaries.

- 3.5.2 SPG8 - Design and Density Control Guidelines: Caldy Village Zone 1
The core of the village. Its character is best protected by limiting densities to less than 2.5 dwellings per hectare.

3.6 Assessment

- 3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways and PROW;
- Ecology; and
- Amenity

3.7 Principle of Development:

- 3.7.1 The proposal is for a new dwelling within a residential area, the principle of development is considered acceptable.

3.8 Design:

- 3.8.1 The proposed development has been amended and is now for one additional dwelling located to the west of Roselands with vehicle access from Croft Drive to the south west, separate to the existing main entrance to the north east of the host dwelling.

- 3.8.2 The proposed dwelling is a simple design that has been designed to be visually subordinate to the two flanking houses of Roselands and 17 Croft Drive, the external appearance of the dwelling reflects the triple gable to the front of Roselands and the smaller west wing with a one and a half storey and dormer style window. The materials shown also reflect those used in Roselands, including brick, render and sandstone.

- 3.8.3 The house itself will be on a lower land level than Roselands and whilst the house is set further forward, the corner views of Roselands would not be affected, the size of the proposed house also allows Roselands to maintain its dominance, the set back from the highway of approximately 48m maintains the long front garden character of Croft Drive and allows for the retention of the boundary tree canopy. It should also be noted that there is no definite building line along the street scene to the west of Roselands

- 3.8.4 The residential plots are hidden from the street scene due to the mature tree canopies particularly along the boundary lines, the position of the proposed dwelling allows for the bulk of these trees to be retained without the dwelling being pushed so far into the site that the rear garden is compromised and the relationship to either neighbouring house thereby appears cramped.

3.9 Highways:

- 3.9.1 There are no Highway Implications relating to this proposal.

3.10 Ecology:

- 3.10.1 The site is close to The Dee Estuary, Wirral Way, Caldy Hospital Grounds and is likely to form part of foraging and commuting habitat for protected species, vegetation suitable to breeding birds and potential for invasive species to be managed, Rhododendron has been identified within the site boundary.

Conditions and RAMs have been advised during the construction period by Merseyside Environmental Advisory Service.

3.11 Amenity:

- 3.11.1 In terms of neighbouring residential amenity, the proposed new plot retains the character of the area with a set in, gated vehicle access, house position set back from the street scene and outlook directed to the front and rear elevations so as to maintain established privacy levels.

- 3.11.2 Following amendments to the scheme, the density of the proposal is now considered to be in line with the guidance set out in HS5 and SPG8.
- 3.11.3 Having regard to the Councils Conservation Area policies CH2 and CH11, the proposed plot is sympathetic to the setting of the host house and the character, spacing and general scale of neighbouring plots and houses.
- 3.11.4 The proposed dwelling is not considered to result in harm to the character and amenity of Caldys Conservation Area or the setting of the host dwelling Roselands.
- 3.12 Other:
- 3.12.1 Concerns have been raised with regards to the impact of the proposed development onto the conservation area, the setting of the host dwelling Roselands and the existing trees.
- 3.12.2 Due to the amendments to the scheme, the removal of trees now only relates to the west of the host dwelling to the proposed new plot. Three of the trees to be removed are considered to be Quality Category B1, these trees are along the boundary with no.17 Croft Drive. The remaining trees to be removed are smaller trees and considered to be Category C1/2 and in the case of G4 are U - significant decline.
- 3.12.3 The bulk of the front boundary trees are to be retained, this forms part of the established character of Caldys Conservation Area and as such is not considered to have a detrimental impact onto the objectives of preserving the boundary character of the conservation area.
- 3.12.4 The overall scheme as amended is considered to be in keeping with the general character of Caldys conservation area whilst maintaining the prominence of the host dwelling and the significance of the more historic and older properties within the immediate locality. The development would not result in harm and preserves the objectives of protecting the conservation area.

Summary of Decision:

Having regard to the individual merits of this application the decision to grant Planning Permission has been taken having regard to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Having regard to the amended proposal, the development is considered acceptable in terms of impact onto the character of the conservation area, established scale, spacing, density and appearance in accordance with the guidance set out in Wirral's UDP Policies CH2, CH11, HS4, HS5, GR7, SPG8 and the Caldys Conservation Area Appraisal.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 11 March 2019 & 24 April 2019 and listed as follows: 16-156-110 Rev A, 16-156-111 Rev A, 16-156-120 & 16-156-130 Rev A.

Reason: For the avoidance of doubt and to define the permission.

3. Prior to commencement of development, samples of the facing, roofing, window and gateway materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy CH2 and CH11 of the Wirral Unitary Development Plan.

4. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To provide protection of breeding bird habitats

5. The development hereby permitted shall not be occupied until details of bird and bat boxes, number, location, type and timing to be erected on site, has been provided for approval and implemented in accordance with those details.

Reason; The proposed development will result in the loss of habitat and UDP policy NC7 applies.

6. Rhododendron is present within the site boundary. This Species is listed on Schedule 9 of the Wildlife and Countryside Act. A method statement, prepared by a competent person shall be submitted to the Local Planning Authority prior to any clearance works on site, which includes the following information:

- A plan showing the extent of the plant;
- The method that will be used to prevent the plant/s spreading further, including demarcation;
- The method of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

Reason; Removal of an invasive species

7. In order to provide protection for priority species, Reasonable Avoidance Measures are required, these include:
 - A toolbox talk prior to commencement of any clearance works regarding the presence of badger (and hedgehog) in the area and the legislation protecting them;
 - A check prior to any clearance or construction works for signs of badger activity on site and within 30m of the proposed development;
 - All excavations should be covered at night to prevent access by badger and hedgehog; if this is not possible then a means of escape should be provided to ensure that no animals become trapped. This could include backfilling, covering with board, or fitting with a means of escape, such as plank leading out of the excavation with an angle of no more than 45°;
 - Appropriate storage of materials to ensure that badger and hedgehog do not become trapped and that materials are not available for excavation of new setts (for example, storage of sand); and
 - Protective fencing should be erected around the site during construction.

Reason; To protect priority species.

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council's Highway Management team via www.wirral.gov.uk or 0151 606 2004 prior to the commencement of development for further information

Last Comments By: 24/04/2019
Expiry Date: 06/05/2019